

1907-043 Chancery Causes: William L. Terry vs. Lilly Terry
Lee Co.

Hyden, Sally, Kirk, Napier, Garrett

CA-Divorce

T-Vices

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia:

Humbly complaining, your orator Wm. L. Terry, a resident of said
County, would respectfully represent and show unto your honor, that
on the 25th day of February, 1907, he was married to Lillie Hyden
with whom he lived only ^{one} day, when he became convinced that his said
wife had been guilty of fornication and was with child, without his
knowledge, by some person other than your orator, and your orator
alleges that his said wife has been guilty of adultery since their
said marriage in the neighborhood in which she has lived, all of
which acts of fornication and adultery were committed by his said
wife within less than five years prior to this date, in said county,
without his consent or connivance, and he has ~~not~~ lived or cohabited
with his said wife since he became convinced of the truth of the facts
above alleged.

The object of this suit is to obtain a divorce from
the bonds of matrimony existing between your orator and his said
wife. To this end he makes the said Lilly Terry the party defendant
to this bill, and asks that she be required to answer the same but
not under oath that being waived; that on ~~shearing~~ hearing the relief
above sought be granted together with all such other further
and general relief as the nature of the case may require. And
your orator will ever pray &c.

Wm. L. Terry, Jr.

Mr L. Lerry.
vs Bill in Chancery.
Lilly Lerry.

1907 1st Sept Rules
Bill filed, Spw.
executed.

" 2nd Sept. Rules
taken 2nd Monday
Cause set for
hearing.

Plffs.

Costs:

Clk, \$4.85

Shff. 1.00
5.85

Defts. costs recovered:

Clk. 1.36

Shff. .60

Wife 1.50

Comm. 1.50
\$4.96

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee Co:-

The Petition of Lilly Terry, filed in vacation, before the judge of the said court, in the chancery cause of Wm. L. Terry vs Lilly Terry, the petitioner.

Humbly complaining your petitioner would respectfully represent that at the 1st Sept. Rules, 1907, the said Wm. L. Terry filed a bill in chancery in the Circuit court for Lee County, which said bill accompanies this petition, the object of which is to secure a divorce A vinculo matrimonae.

Your petitioner alleges that the representations of the said plaintiff in said bill are false and untrue, she denies that she has been guilty of fornication or adultery, and it is her wish to defend the said bill and show the untruth of the said allegations; but she alleges that she is without any means whatsoever, and has no property or money with which to pay the cost of defending said suit and in procuring counsel to defend her. She further represents and will show unto your honor, as will appear by the return of the sheriff upon the notice served that on this the 2nd day of Sept., 1907, the said plaintiff had served upon her notice to take deposition on the same day which said notice was served.

The prayer of your petitioner is that the said W. L. Terry be made party to this petition, and answer the same, on the 6th day of ~~October~~ ^{Sept.}, 1907, before your honor in vacation, at Big Stone Gap, Va., and that upon a hearing of this petition the said W. L. Terry be required to pay your petitioner temporary alimony in the amount of \$25. for the purpose of paying her attorneys, Pennington Bros. for defending said suit, and \$25.00 for expense money in defending said suit, and that an order be ~~directed~~ entered directing the payment of said sum of money as aforesaid, and that an order be entered enjoining the said plaintiff from prosecuting said suit until he shall have paid said sums of money. And May all other relief be granted her that the nature of her cause and good conscience requires.

Lilly Terry
By Pennington Bros.

Virginia:

Lee County to wit:-

I, George P. Cridlin, a *Clerk in Chy for Lee Circuit Court* ~~notary public~~, in and for the county and state aforesaid do hereby certify that Lilly Terry this day made oth before me that the statements made in the foregoing petition are true to the best of her ^lknowledge and belief.

Given under my hand this the 2nd day of Sept, 1907.

Geo. P. Cridlin Clerk in Chy.

I, the undersigned, hereby certify that I have read the statements made in the foregoing petition, and that the statements therein contained so far as are within my knowledge are true and such of the stements as are based upon information derived from others I believe to be true.

Given under my hand this the 2nd day of Sept., 1907.

R. S. Hyden

Sworn to before me this the 2nd day od Sept, 1907.

Geo. P. Cridlin Clerk in Chy.

Lilly Lerry.

5
Petition

3
Mr L Lerry.

To the Hon .H.A.W.Skeen, Judge of the Circuit Court for Lee County, Va.

The answer of Lilly Terry, to a bill in Chancery filed in this Court by Wm.Terry.

For answer to the said bill or so much thereof as is necessary that she should answer, answering she says:

That it is true that your respondent was married to the said Wm.L.Terry on the 25th day of Feby, 1907 but she denies that she has been guilty of fornication or adultery, either before or after her marriage with the said Wm.L.Terry. Your respondent alleges that she has always been true to the said W.L.Terry, and alleges that she has never had any intercourse with any person except her said husband. Your respondent alleges that soon after she was married to the said Terry he left your respondent without cause and has ever since refused to live with her, and has failed to give her any support, and the only money paid for her has been the \$25.00 required of him in this suit to be paid to her attorneys. Your respondent alleges that after she was married the said W.L.Terry soon left your respondent and went away and has been living in open adultery and fornication with lewd women, frequently visiting houses of ill fame, and violating the marriage vows. Your respondent alleges that she did not know of this until after the said Terry had ^{let} her, and she alleges that she has not condoned the offense since she became aware of it, and alleges that she has not lived with the said W.L.Terry, or co-habited with him since. Your respondent has been much agrieved at the alienation of the affections of her husband from her, and has lost all hope of regaining his affections. Therefore, she not only denies the allegations against her in the plaintiffs bill, but she here sets up a cross case against her said husband, and prays that this answer be treated as a cross bill, and that upon a hearing a divorce be granted her from the bands of matrimony, and that such reasonable alimony be allowed her as the condition of the said W.L.Terry warrants. And may all other and further relief be granted your respondent, that the nature of her case demands and she will ever pray &c.

Pennington Bros.P.QM.

Lilly & Perry
dec. { Answer &
{ Cross Blue

Wm L. Perry

Filed Dec. 4th 1907.
J.C. D. Ewing,
Clerk.

W^m L. Terry

Complainant

v. s.
Lily Terry

In Chancery

Defendant

This cause came on
this day to be heard before
the vice of the Complainant;
the answer and cross bill
of the defendant and
depositions of witnesses,
and was argued by counsel

On consideration of all
which, the Court being
of opinion that the defendant
Lily Terry has made out
the case set up in her answer
and cross bill & is entitled to
a divorce from the bonds
of matrimony, it is therefore
adjudged, ordered and decreed
that the said Lily Terry, be
& she is hereby granted a divorce
from the said W^m L. Terry,
and the bonds of matrimony
heretofore existing between the
said Lily Terry and said
W^m L. Terry are hereby annulled
& dissolved ^{and the said parties are divorced from each other} forever. And the
said W^m L. Terry will pay the
costs of this suit - both for himself
& the said defendant, except no
attorney's fee is to be taxed for said
Lily Terry, the said W^m Terry having
already paid the required filiation
to her attorney under a former decree of
this Court. This Court is ~~entirely~~ Stricken from
the record.

Wm L Lerry.
vs { Decree
Lilly Lerry.

Entered in C.O.D.
No. 8, page 349.

Enter this decree.
Hewsham
Decr 11th 1907

William L. Terry-----Complainant.

VS.

IN CHANCERY.

Lillie Terry- - -----Defendant.

This cause came on this day to be heard in vacation at Big Stone Gap on the 6th day of September, 1907, on the bill of the complainant and the petition of the defendant asking for suit money, together with affidavits of the plaintiff and defendant and was argued by counsel.

On consideration whereof it is adjudged ordered and decreed that the said Lillie Terry recover of the said William Terry the sum of ~~\$~~ ~~and~~ \$25.00 as attorneys fee to be paid to Pennington Bros. her attorneys, for defending said suit, and \$10 for expense money in and about making the defense to said suit for which said sum of money execution may issue in the favor of Lillie Terry against the said William Terry, ~~and until which said sum is paid, the said William L. Terry is hereby prohibited and enjoined from further prosecuting his said suit in Chancery for the purpose of obtaining a divorce.~~ And this cause is continued.

H. C. W. Shuman
Judge of the Circuit Court for Lee County.

To. H.C.T. Ewing, Clerk.

Order



Entered in C.O.B.
#8, Page 303

The deposition of G.J.Hyden and others taken before me Geo. P.Cridlin, a commissioner in chancery for the circuit court of Lee County, Virginia, at the law office of James W.Orr, in the town of Jonesville, Va. Pursuant to the agreement of the attorneys for plaintiff and defendant on the 4th day of December, 1907, to be read in evidence on behalf of the defendant in a certain suit in chancery pending in the Circuit court for Lee County, wherein W.L.Terry is plaintiff and Lillie Terry is defendant.

Present R.L.Pennington of counsel for defendant, and
J.W.Orr for plaintiff.

G.J.Hyden, a witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation .

A.-- I am 35 years old, reside near Ben Hur, Lee CO. Va. and my occupation is logging &c.

Q.2.-- Are you acquainted with W.L.Terry and Lillie Terry his wife and if so how long have you known them.

A.-- I am acquainted with said parties. I have known him all of his life and have known her for two or three years.

Q.3.-- Do you remember about the date when Terry and his wife were married?

A.-- I do it was about last February as I remember it.

Q.4.-- Since that time do you know whether W.L.Terry has lived apart from his wife?

A.-- Yes, I don't suppose he ever stayed with her a single night.

Q.5.-- Do you know anything about his being guilty of adultery and fornication since his marriage?

A.++ Yes I suppose I do. I have been with him at two or three houses of ill-fame. One in Pennington Gap and two on Town Branch near Jonesville. I saw him at Pennington talking with some bad women, who had the name of being lewd women, and was talking to them in a lewd and lascivious way. On Town Branch I saw him with

some lewd women and was talking and going on with them in a lewd manner, and he afterwards told me that he had had intercourse with them.

And further this witness saith not.

Wit. claims one day \$0.50

G. J. Hyden

Burley Sally another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, residence and occupation.

A.-- I am 21 years old, reside about four miles east of Jonesville, and my occupation is logging and cutting timber.

Q.2.-- Are you acquainted with W.L.Terry and Lillie Terry his wife, and how long have you known them?

A/-- I am acquainted with W.L.Terry have known him all my life and have known his wife for about two years.

Q.3.-- Do you remember the occasion of the marriage of W.L.Terry to his wife about last February?

A.-- I do remember it, it was sometime about February.

Q.4.-- How long has Lillie Terry lived in Lee County?

A/-- She has lived in Lee County ever since I have known her, for some two years.

Q.5.-- Do you know anything of W.L.Terry being guilty of adultery since his marriage?

A.-- I do. I saw him with some lewd women during the Fair at Jonesville, this Fall. He was running around with them and riding them on the merry-go-round. He told me that night that he had had intercourse with them but I didn't see it. He has told me about visiting other places of ill-fame and of having intercourse with lewd women. The woman he was with at the Fair Ground was Mat Williams, and she has the reputation of being a very bad lewd woman.

And further this witness saith not.

Witness claims one day \$0.50

Burley Sally

Joseph Kirk, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, occupation and place of residence.

A.→ I am 24 years old, my occupation is mining, and reside at Truro Mines, Lee Co. Va.

Q.2.-- Are you acquainted with Wm.L.Terry and his wife Lillie Terry, and if so how long have you known them.

A.-- I am acquainted with said parties and have known them all their lives.

Q.3.-- Do you remember when said parties were married, if so state when it was, and also state whether or not the said W.L . Terry has lived with his said wife since said marriage.

A.-- I heard of the marriage, and as I remember it took place some time last February. He did not live with her at all

Q.4.-- state if you know how long the said Lillie Terry has lived in this County?

A.-- She has lived in the County all of her life, or at least she has lived here ever since I have known her and I have known her since she was a baby.

Q.5.-- Do you know anything about Wm.L.Terry being guilty of adultery since his marriage, if so please state what you may know about such acts.

A.-- About two months ago He and I stopped at a house up on the town branch where there are women of bad reputation. He was drinking and talked with and deviled the women some, pinching them and so on, but I do not know of his actually committing any acts of adultery there. Before we got to ~~Hyden's house~~, the house where we stopped as above stated, he told me that he wanted to stop there to see one of the girls, naming her. The girl whom he said he wanted to see was May Hyden and she has the reputation of being a lewd woman.

And further this witness saith not.

Witness claims one day \$0.50

Joe Kirk

Virginia, Lee County to-wit:

I, Geo.P.Cridlin, a commissioner in chancery for the circuit court of Lee County, Virginia, do certify that the foregoing depositions of G.J.Hyden, Burley Sally and Joseph Kirk were taken sworn to and subscribed before me at the time place and for the purpose in the caption mentioned.

Given under my hand this the 4th day of December, 1907.

Commissioner in Chancery.

Lilli Perry
ads. { In Chy.

Wm L. Perry

Refundants Depositors

Chas

G. J. Hyde .50

Betty Hallig .50

Joe Kirk .50

\$1.50

Cours. fee 1.50

\$3.00

Filed Dec. 4, 1907

W. C. Ewing, Clerk

William L. Terry,

vs. ~~John Terry~~

Lillie Terry.

Virginia, Lee County, to-wit:

I Wm. L/ Terry, plaintiff in this suit do solemnly swear that I own no real estate, neither do I own any personal property, I live by my labor and live with my father and mother, J. C. Terry and wife, and from my labor I help them along, and use such proceeds of my labor as I may need to live on myself. I have a little money, not more, however, than twenty dollars and have promised that to my attorney in this case on their fee and expense of suit. I feel that I have just cause for complaint in this case, and that I will be able to so show to the court. So help me God.

William L. Terry

Subscribed and sworn to before me this the 2nd day of September, 1907.

A. C. Brown N. P.

William, L. Terry,
vs In Chancery.
Lillillie Terry.

Virginia/Lee County to-wit:

I Henrry Napier do solemnly swear that I have known the
defendant in the above stled suit, Lillie Terry, for a number of years
About two years ago, and before she married plaintiff, I have hugged
and kissed said defendant, felt of her breasts or "titties".

The plaintiff did not hear of my ^{con}nection with his said wife until
this morning.

Henry Napier

Subscribed and sworn to before by Henry Napier in my county,
aforesaid, this 2nd day of September 1907.

*James A. Dwyer in
Chancery.*

William L. Terry,

vs In Chancery.

Lillie Terry,

Virginia, Lee County, To-wit:

I ~~F~~ Frank Garrett, do solemnly swear that I am acquainted with the defendant in the above styled suit/Lillie Terry; that I have known her for several years; that I have had sexual intercourse with *her* several times, the first time was some two or three years ago near Reece Flanary's, and before she became the wife of the plaintiff.

Since she married plaintiff, and only about a month ago I had sexual intercourse with her, at Will Russels spring, in this county.

I have also seen her out with Roy Early since she married the plaintiff,

Frank Garrett.

Sub-scribed and sworn to before by Frank Garrett, in my county ~~of~~ aforesaid, this 2nd day of September, 1907.

James W. Orr
in chancery.

Mr L Lerry.
vs Affidavits
Lilly Lerry.

Filed Sept. 2, 1907.
H. C. D. Ewing,
Clerk.

Mrs. Lillie Terry:

You will please take notice, that on the 2nd day of September 1907, at the law office of James W. Orr in Jonesville, Virginia, I will proceed to take the depositions of Frank Garrett and others, which depositions are intended to be read as evidence in a certain suit in chancery pending in the Circuit Court of Lee County Virginia, in which I am plaintiff and you are defendant. And if from any cause the taking of the said depositions be not commenced on that day, or if commenced be not completed on that day, the taking of the same will be adjourned from time to time and from place to place until completed.

August, 31st, 1907.

Wm L Terry.

By Counsel.

Wm L Terry.
Notice
Lillie Terry.

Executed Byddieny
a true copy of the
within Notice to
Mrs Lillie Terry
This the 2 day of Sept
1907 - G. E. Denny H.S.
for P. M. Ball & Co.

To WmL.Terry,

You are hereby notified that on the 6th day of September, 1907, I will file before Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County, at Big Stone Gap, Va, my petition and make motion before said judge for an order, in the chancery suit which you have brought against me for a divorce, requiring you to pay to me temporary alimony, \$25.00 for attorneys fees and \$25.00 for other expenses in making defense to said suit, and for an order restraining you from proceeding with said suit untill you shall have paid such sum of money. This Sept.2, 1907.

Lilly Terry

Lilly Terry.

vs. Notice

Jm L Terry.

Legal Service of this
Notice is accepted.

Sept 3rd 1907.

Jm L Terry.

By Counsel.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON

G. J. Hyden, Burley Sallee,
Joe Kirk,

Geo. Plenden, Comr in Chy in R. L. Pennington's office
to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the *4th* day of *December*, 190*7*, to testify and the truth to say in behalf of the

Defendant, in a certain matter of controversy in our said court before the said Judge depending and undetermined between

Wm L. Perry Plaintiff, and

Lillie Perry, Defendants. And this *They* shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *30th* day of

November, 190*7*, and in the *32* year of the Commonwealth.

H. C. T. Ewing, Clerk.

Wm L. Perry

vs.

SUBPOENA
FOR
WITNESS

Lillie Perry

R. L. Pennington
Court,
the 4 day of Dec.

1907

Executed By
Summons all
The within witness
this the 3 day of Dec
1907
C. E. Denny H.S.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Lilly Terry

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the *1st* Monday in *September* 190*7*, to answer a bill in chancery exhibited against *her*

by Wm L. Terry

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *20th*
day of *August*, 190*7*, and 1 *32* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

_____, Clerk

Wm L. Perry

VS

SUBPOENA
IN
CHANCERY

Lilly Perry

Orr + Noel

p. q.

To *12th September*

Rules

Lee Circuit
1907

Court

Executed By Delivering
a true copy of the
within to Lilly
Perry this the 28
day of aug 1907
C. E. Denny D.S.
for P. M. Ball S.S.C.